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JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			HUFFMAN, BRIAN GEORGE	
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			3709	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,581

Applicant(s)

FIDEN ET AL.

Examiner

Brian G. Huffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/12/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Comments***

1. The Information Disclosure Statement filed on 04/12/2004 has been entered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is not narrative. It includes a long, run-on sentence much like a claim, which is improper. The abstract should be narrative and consist of a series of complete sentences forming a single paragraph.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claims 9, 11, 17-20, 25, 31, 33 and 36 are objected to because of the following informalities:

Re claim 9: -- and -- should be inserted between "point," and "movement" in line 2.

Re claim 11: "stating" in line 1 should be -- starting --.

Re claim 17: "track" in line 3 should be -- path -- to be consistent with the claim language in other claims.

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Re claims 18 and 19: "selected" in line 2 should be -- selecting --.

Re claim 20: "the" in line 11 should be -- a --.

Re claim 25: "a" in line 2 should be deleted.

Re claim 31: "of" in line 1 should be deleted.

Re claim 33: -- and -- should be inserted between "point," and "moving" in line 2.

Re claim 36: -- game -- should be inserted between "a" and "payout" in line 1 to be consistent with the claim language in other claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 depends from itself, which is improper. From the limitation "the starting point" in line 3 of claim 15, it appears that claim 12 should depend from claim 11 to be in proper form, and has been treated as such. Affirmation of this is required by appropriate amendment.

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Further the limitation "selected game outcome" in line 1 renders the claim indefinite, as it is unclear as to which game outcome (basic or bonus game) the claim refers to. Applicant should redraft the claim to specify which game outcome the claim refers to.

Claims 13-16 are dependent upon claim 12.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-4, 7, 8-14, 17-20, 22-24, 26, 27, 29-36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Baerlocher et al. (US 2002/0016200 A1).

Re claim 1: Baerlocher discloses a gaming terminal (10) for conducting a wagering game, comprising: an input device (12 and 14) for receiving a wager input from a player of the gaming terminal, a display (32) for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input, a nonlinear path extending in three dimensions (54b), and at least one movable element (58b) for representing a bonus game outcome, the at least one moveable element moving along the nonlinear path in response to the start bonus game outcome being selected in

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the basic game (Fig. 1 and 11; Para. [0033], lines 1-5; Para. [0034], lines 1-4; Para. [0035], lines 1-4; Para. [0044], lines 5-9). With respect to applicant's nonlinear path extending in three dimensions, the prior art discloses a video gaming system displaying images which appear to be three dimensional in composition, as depicted in Fig. 8-13. Therefore, it is considered to be an inherent teaching of the prior art that the path 54 also be depicted and displayed in three dimensions, and that the path also extends in three dimensions. With respect to applicant's at least one moveable element moving along the nonlinear path in response to the start bonus game outcome being selected, the prior art discloses displaying the bonus game automatically after a start bonus condition occurs in the base game, but is silent to the moveable object moving along the nonlinear path. Since the prior art discloses that the element moves in response to a game outcome, it is considered to have the capability of moving along the nonlinear path in response to the start bonus game outcome being selected in the basic game.

Baerlocher further discloses the following:

Re claim 3: the at least one moveable element and the nonlinear path extending in three dimensions are graphically depicted on a video display (Fig. 8-13; Para. [0044], lines 1-5).

Re claim 4: the gaming machine having an amusement park theme (Para. [0064] and [0072]).

The prior art discloses a game with a cartoon character theme. As cartoon characters (i.e. Mickey Mouse, Goofy, etc.) are often part of the attraction and provide amusement at theme parks, they are interpreted to be an inherent feature of amusement parks and are thus representative of applicant's amusement park theme.

Re claim 7: the at least one moveable element comprises a plurality of moveable elements (58b and 60b) (Fig. 11).

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Re claim 8: the movement of the at least one moveable element along the nonlinear path represents a payout (as represented by the bonus values 64b) corresponding to the selected game outcome (Para. [0067], lines 8-10; Para. [0068], lines 1-3; Para. [0069], lines 1-3).

Re claim 9: the nonlinear path includes a starting point (the location 56a labeled "Start" in Fig. 8, or the location 56b labeled "GO" in Fig. 9) and an ending point (the location 56a labeled "100" in Fig. 8, or the location 56b labeled "100" adjacent and immediately preceding the "GO" location in Fig. 11), and movement of the at least one moveable element along the nonlinear path from the starting point to the ending point represents a payout of a predetermined amount (Para. [0069], lines 7-9).

Re claim 10: multiple cycles of the at least one moveable element along the nonlinear path from the starting point to the ending point represents multiple payouts of the predetermined amount (Para. [0069], lines 7-9).

Re claim 11: the starting point is adjacent to the ending point such that the nonlinear path forms a continuous loop (as described in claim 9 above and shown in Fig. 11).

Re claim 12: the selected game outcome includes a payout amount (Fig. 13; Para. [0071], lines 7-10).

Re claim 13: a payout amount indicator (90) for displaying the payout amount (Fig. 13; Para. [0071], lines 7-10).

Re claim 14: the payout indicator is adapted to increment from a first value to a second value, the second value corresponding to the payout amount (Para. [0066], lines 14-16; Para. [0071], lines 7-10). The prior art discloses an indicator which "displays a running total of bonus values"

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and at the end of the bonus game "awards bonus values to the player." Therefore, as the indicator tracks a running total, the final increment of a bonus award from some value (first value) to the total award (second value corresponding to the payout amount), the reference reads on the claim.

Re claim 17: a memory (40) for storing the plurality of possible game outcomes and information corresponding to the movement of the at least one movable element along the nonlinear track for each of the plurality of possible game outcomes (Fig. 2; Para. [0039], lines 1-7 and 10-17).

Re claim 18: a central processing unit (38) for randomly selecting the game outcome from the plurality of game outcomes in the basic game, the central processing unit being integral to the gaming terminal (Fig. 2; Para. [0039], lines 1-10).

Re claim 19: a central processing unit (38) for randomly selecting the game outcome from the plurality of game outcomes in the basic game, the central processing unit being located outside of the gaming terminal (Fig 2; Para. [0041], lines 7-13).

Re claim 20: Baerlocher discloses a method of conducting a wagering game on a gaming terminal (10) in a basic game mode and a bonus game mode, the gaming terminal having a nonlinear path (54b) along which the at least one element (58b) is moveably engaged for representing a game outcome, the method comprising: receiving a wager from a player of the gaming terminal; conducting the wagering game pursuant to the basic game mode; selecting a basic game outcome from a plurality of possible basic game outcomes that include a start bonus game outcome; conducting the wagering game pursuant to the bonus game mode in response to the start bonus game outcome being selected (as depicted in Fig. 3, 8-13); selecting a bonus game outcome from the plurality of possible bonus game outcomes when conducting the wagering game pursuant to the bonus game mode (68); and moving the at least one element



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along the nonlinear path (64 of Fig. 3), the moving being indicative of the selected bonus game outcome (Fig. 1 and 3; Para. [0042-0043]; Para. [0051], lines 1-6; Para. [0052], lines 6-8).

Re claim 22: the moveable engagement of the at least one element to the nonlinear path is graphically depicted on a video display (32), the moving comprises graphically depicting the movement of the at least one moveable element along the nonlinear path for representing the selected bonus game outcome on a video display (Fig. 1, 3, 8, 10-13; Para. [0044], lines 1-4; Para. [0052], lines 6-8).

Re claim 23: the movement of the at least one element along the nonlinear path represents a bonus game payout corresponding to the selected bonus game outcome (Para. [0068], lines 1-3; Para. [0069]).

Re claim 24: the gaming terminal includes a bonus game payout indicator (90) (Fig. 11; Para. [0066], lines 14-16).

Re claim 26: Baerlocher discloses a method of conducting a wagering game on a gaming terminal (10), the gaming terminal having a nonlinear path (54b) along which the at least one element (58b) is moveably engaged for representing a game outcome, the method comprising: receiving a wager from a player of the gaming terminal; selecting a game outcome from a plurality of possible game outcomes (68); and moving the at least one moveable element along the nonlinear path for representing the selected game outcome (64 of Fig. 3) (Fig. 1 and 3; Para. [0042], lines 1-4; Para. [0051], lines 1-6; Para. [0052], lines 6-8).

Re claim 27: selecting a game outcome further comprising selecting information regarding movement of the at least one moveable element along the nonlinear path (Para. [0048]).

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Re claim 29: the moveable engagement of the at least one element to the nonlinear path is graphically depicted on a video display (32), the moving comprises graphically depicting the movement of the at least one moveable element along the nonlinear path for representing the selected game outcome on a video display (Fig. 1, 3, 8, 10-13; Para. [0044], lines 1-4; Para. [0052], lines 6-8).

Re claim 30: the gaming terminal has an amusement park theme (Para. [0064] and [0072]; see claim 4 above).

Re claim 31: the at least one of element comprises a plurality of elements (58b and 60b), and the moving further comprises moving the plurality of elements along the nonlinear path for representing the selected game outcome (64 of Fig. 3) (Fig. 8, 10-13; Para. [0051], lines 1-3; Para. [0052], lines 6-8).

Re claim 32: the movement of the at least one element along the nonlinear path represents a payout corresponding to the selected game outcome (Para. [0067], lines 8-10; Para. [0068], lines 1-3; Para. [0069], lines 1-3; see claim 8 above).

Re claim 33: the nonlinear path includes a starting point and an ending point, and movement of the at least one moveable element along the nonlinear path from the starting point to the ending point represents a payout of a predetermined amount (Para. [0069], lines 7-9; see claim 9 above).

Re claim 34: moving the at least one element along the nonlinear path from the starting point to the ending point comprises a cycle, each cycle of the at least one element representing a predetermined amount (Para. [0069], 7-9).

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Re claim 35: selecting a game outcome comprises selecting a game payout amount (Fig. 13; Para. [0071], lines 7-10).

Re claim 36: the gaming terminal includes a payout indicator (90), the method further comprising displaying the selected game outcome with the game payout indicator (Fig. 13; Para. [0071], lines 7-10).

Re claim 38: the nonlinear path extends in three dimensions (Fig. 8-13; see claim 1 above).

9. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedrick et al. (US 6,368,216 B1).

Re claim 1: Hedrick discloses a gaming terminal (210) for conducting a wagering game, comprising: an input device (232 and 234) for receiving a wager input from a player of the gaming terminal, a display (219) for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input, a nonlinear path extending in three dimensions (railroad track, as depicted in Fig. 12A), and at least one movable element (1215a,b,c) for representing a bonus game outcome, the at least one moveable element moving along the nonlinear path in response to the start bonus game outcome being selected in the basic game (Fig 2, 12A and 12B; Col. 5, lines 43-60; Col. 6, lines 21-23; Col. 21, lines 34-36, 46-50, 62-1). With respect to applicant's nonlinear path extending in three dimensions, the prior art discloses a video gaming system displaying images which appear to be three dimensional in composition, as depicted in Fig. 8, 12A and 13A. Therefore, it is considered to be an inherent teaching of the prior art that the railroad track extend in three dimensions as the other images and objects of the game are represented in three dimensions. With respect to applicant's at least one moveable element moving along the nonlinear path in response to the start bonus game outcome being selected,

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the prior art discloses displaying a bonus game after a start bonus condition occurs in the base game, but is silent to the moveable object moving along the nonlinear path. Since the prior art discloses that the element moves in response to a game outcome, it is considered to have the capability of moving along the nonlinear path in response to the start bonus game outcome being selected in the basic game.

Hedrick further discloses the following:

Re claim 4: the gaming machine having an amusement park theme (Fig. 12A; Col. 21, lines 34-36). The prior art discloses a gaming terminal which displays images of a diamond mine and the associated railroad track and carts. Many amusement parks contain railroads to offer guests a fun and exciting ride or as a method of transportation around the park (i.e. Walt Disney World Railroad, in use since Oct. 1, 1971). Therefore, the prior art encompasses the amusement park theme of applicant's invention in so much as it displays images of a railroad track and carts.

Re claim 5: the nonlinear path comprises a rollercoaster track (railroad track as depicted in Fig. 12A), and the at least one moveable element comprises at least one rollercoaster car (1215a,b,c) (Fig. 12A). The prior art discloses a railroad track serving as a rollercoaster track and a cart serving as a rollercoaster car, insofar as the railroad in the mine has ups and downs.

Re claim 6: the at least one rollercoaster car comprises a plurality of rollercoaster cars (1215a,b and c) (Fig. 12A; Col. 21, lines 34-36; see claim 5 above).

10. Claims 1, 2, 8, 9, 20, 21, 24, 26, 28, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Seelig et al. (US 6,758,473 B2, herein "473").

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Re claim 1: Seelig '473 discloses a gaming terminal (10) for conducting a wagering game, comprising: an input device (28) for receiving a wager input from a player of the gaming terminal, a display (21) for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input, a nonlinear path/path in a non-linear fashion (see Col. 7, lines 31-34) extending in three dimensions (the path followed by the bonus indicator 44, as depicted in Fig. 1), and at least one movable element (44) for representing a bonus game outcome, the at least one moveable element moving along the nonlinear path in response to the start bonus game outcome being selected in the basic game (Fig. 1; Col. 3, lines 49-50; Col. 4, lines 3-19; Col. 5, lines 7-11).

Seelig '473 further discloses the following:

Re claim 2: the at least one moveable element is a physical element (Fig. 1; Col. 6, lines 8-14).

Re claim 8: the movement of the at least one moveable element along the nonlinear path (see Col. 7, lines 31-34) represents a payout corresponding to the selected game outcome (Col. 5, lines 7-11).

Re claim 9: the nonlinear path includes a starting point (35) and an ending point (31), and movement of the at least one moveable element along the nonlinear path from the starting point to the ending point represents a payout of a predetermined amount (Fig. 1; Col. 4, lines 65-3; Col. 5, lines 32-56).

Re claim 20: Seelig '473 discloses a method of conducting a wagering game on a gaming terminal (10) in a basic game mode and a bonus game mode, the gaming terminal having a nonlinear path (the path followed by the bonus indicator 44, as depicted in Fig. 1) along which the at least one element (44) is moveably engaged for representing a game outcome, the method

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comprising: receiving a wager from a player of the gaming terminal; conducting the wagering game pursuant to the basic game mode; selecting a basic game outcome from a plurality of possible basic game outcomes that include a start bonus game outcome; conducting the wagering game pursuant to the bonus game mode in response to the start bonus game outcome being selected (as depicted in Fig. 3); selecting a bonus game outcome from the plurality of possible bonus game outcomes when conducting the wagering game pursuant to the bonus game mode (74, 76); and moving the at least one element along the nonlinear path (78), the moving being indicative of the selected bonus game outcome (Fig. 1 and 3; Col. 3, lines 49-50; Col. 6, lines 36-54; Col. 7, lines 31-34; Col. 8, lines 2-23).

Re claim 21: the at least one moveable element is a physical element (Fig. 1; Col. 6, lines 8-14).

Re claim 24: the gaming terminal includes a bonus game payout indicator (33) (Fig. 1; Col. 5, lines 14-16).

Re claim 26: Seelig '473 discloses a method of conducting a wagering game on a gaming terminal (10), the gaming terminal having a nonlinear path (the path followed by bonus indicator 44, as depicted in Fig. 1) along which the at least one element (44) is moveably engaged for representing a game outcome, the method comprising: receiving a wager from a player of the gaming terminal; selecting a game outcome from a plurality of possible game outcomes (74, 76); and moving the at least one moveable element along the nonlinear path for representing the selected game outcome (78) (Fig. 1 and 3; Col. 3, lines 49-50; Col. 6, lines 36-54; Col. 7, lines 31-34; Col. 8, lines 2-23).

Re claim 28: the at least one moveable element is a physical element (Fig. 1; Col. 6, lines 8-14).

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Re claim 36: the gaming terminal includes a payout indicator (33), the method further comprising displaying the selected game outcome with the game payout indicator (Fig. 1; Col. 5, lines 14-16).

Re claim 38: the nonlinear path extends in three dimensions (Fig. 1; Col. 7, lines 31-34).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 11-16, 25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig '473 as applied to claims 9, 20 and 26, respectively, above, and further in view of Seelig et al. (US 2004/0147300 A1, herein "300"). The teachings of Seelig '473 have been discussed above.

Re claim 11: However, Seelig '473 fails to disclose the starting and ending points of the path being adjacent such that the path forms a continuous loop.

Seelig '300 teaches a gaming device with moveable elements (314 and 316) which follow a nonlinear path (330) and having a starting point (318) and an ending point (320) (Fig. 6; Para. [0126-0127]). As taught by the reference, the moveable elements 314 and 316 are rotateable around an axis of rotation at the center of Fig. 6 (the circle at the center of the bird's breast), and therefore are considered to be able to rotate completely around the path 330, forming a continuous loop.

Re claim 12: '473 further discloses the selected game outcome includes a payout amount (Col. 5, lines 54-64).

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Re claim 13: '473 further discloses a payout amount indicator (33) (Fig. 1; Col. 5, lines 14-16).

Re claim 14: '473 further discloses the payout indicator being adapted to increment from a first value (associated with position 30g, as depicted in Fig. 1) to a second value (end bonus, as represented by the ending point 31 depicted in Fig. 1), the second value corresponding to the payout amount (Fig. 1; Col. 4, lines 61-67; Col. 5, lines 1-16). The prior art discloses a plurality of stop positions (30a-l) which the moveable element (44) may stop at, and a payout amount indicator (33) which displays the prize amount to be awarded to the player. Insofar as the moveable element (44) stops at a first position (30g) and the payout amount to be awarded is displayed on the indicator (33) (here "50," as depicted in Fig. 1), and then the player causes the game to play another round causing the moveable element (44) to stop at a second value (end bonus, which may be randomly selected from a set of predetermined prizes; see Col. 5, lines 66-1), the second value is then displayed on the indicator (33) and awarded to the player.

Re claim 15: However, '473 fails to disclose that the incrementing of the payout indicator commences upon movement of the at least one element from the starting point, the incrementing of the payout indicator terminating upon termination of the movement of the at least one element. '300 teaches an animated railroad cart (460) display for displaying awards which has a payout indicator (490, with payout amount 496) which increments while the moveable elements (470 and 472) on the railroad cart are in motion (Fig. 8A; Para. [0141-0143], 151).

Re claim 16: However, '473 fails to disclose that the payout indicator increments for the length of time that the at least one movable element is moving along the nonlinear path.

'300 teaches that the payout indicator (490, with payout amount 496) increments the longer the moveable elements (470 and 472) are in motion (Fig. 8A; Para. [0141-0143], 151).



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Re claim 25: However, '473 fails to disclose incrementing the bonus game payout indicator while moving the at least one element along the nonlinear path.

'300 teaches that the payout indicator (490, with payout amount 496) increments while the moveable elements (470 and 472) are in motion (Fig. 8A; Para. [0141-0143], 151).

Re claim 37: However, '473 fails to disclose incrementing the game payout indicator while moving the at least one element along the nonlinear path.

'300 teaches that the payout indicator (490, with payout amount 496) increments while the moveable elements (470 and 472) are in motion (Fig. 8A; Para. [0141-0143], [1051]).

Seelig '473 and '300 are considered to be analogous art because both inventions are from the same field of endeavor of gaming terminals and more specifically bonus games. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming terminal of '473 with the bonus indicators and associated displays and methods of '300 in order to increase the excitement and enjoyment experienced by the player of the game and to point out the prize that appropriately reflects the prize awarded to the player ('300, Para. [0009], lines 1-3; Para. [0130]). Thus it would have been obvious to combine Seelig '473 with '300 to obtain the invention as specified in claims 11, 15, 16, 25 and 37.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baerlocher et al. (US 6,602,136 B1) discloses a gaming device with a bonus scheme involving movement along paths with path change conditions. Horikoshi (JP 10165569 A) discloses a gaming machine with blower device that displays an image of a rollercoaster. Seelig et al. (US 6,537,152 B2) discloses a gaming device having an animated figure. Stupak (US 6,024,642 A) discloses a game of chance. Brown et al. (US 6,893,344 B2) discloses a casino style gaming machine. Beaulieu et al. (US 2005/0075167 A1) discloses game interaction in 3-D gaming environments. Einfalt (US 2,992,598 A) discloses a tow

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switchback or scenic railways. Devaull et al. (US 2004/011055 A1) discloses a bonus accumulator for a wagering game. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian G. Huffman whose telephone number is (571) 270-1348. The examiner can normally be reached on 7:30 AM to 5:00 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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